

Title 33
ENVIRONMENTAL QUALITY

Part IX. Water Quality

**Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES)
Program**

**Chapter 29. Transfer, Modification, Revocation and Reissuance, and
Termination of LPDES Permits**

§2903. Modification or Revocation and Reissuance of Permits

A. – A.1.f. ...

g. Reopener. When required by the reopener conditions in a permit, which are established in the permit under LAC 33:IX.2707.C (for CWA toxic effluent limitations and standards for sewage sludge use or disposal, see also LAC 33:IX.2707.B) or LAC 33:IX.61196135.E (pretreatment program).

1.h.i. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001), LR 28:470 (March 2002), repromulgated LR 30:231 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431 (October 2005), LR 32:**.

**Chapter 61. General Pretreatment Regulations for Existing and New Sources of
Pollution**

§6105. Definitions

A. For purposes of this Chapter, except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this regulation.

* * *

Best Management Practices (BMPs)—schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in LAC 33:IX.6109. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Control Authority—a POTW, if the POTW's pretreatment program submission

has been approved in accordance with the provisions in LAC 33:IX.6121; or the *approval authority*, as defined in this Subsection, if the submission has not been approved.

* * *

Significant Industrial User—

a. except as provided in Subparagraph b ~~below~~ of this definition, the term *significant industrial user* means:

i. – ii.(b). ...

(c). is designated as such by the *control authority*, as defined in ~~LAC 33:IX.6123.A~~ this Subsection, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with LAC 33:IX.61215.F.6);

b. the control authority may determine that an industrial user subject to categorical pretreatment standards under LAC 33:IX.6111 and 40 CFR Chapter I, Subchapter N is a non-significant categorical industrial user rather than a *significant industrial user* on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

i. the industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

ii. the industrial user annually submits the certification statement required in LAC 33:IX.6123.Q together with any additional information necessary to support the certification statement; and

iii. the industrial user never discharges any untreated concentrated wastewater;

~~b.c.~~ upon a finding that an industrial user meeting the criteria in ~~Subparagraph Clause a.ii above~~ of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the *control authority* (as defined in ~~LAC 33:IX.6123.A~~ this Subsection) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with LAC 33:IX.6115.F.6, determine that such industrial user is not a *significant industrial user*.

* * *

EDITORIAL NOTE: At 49 FR 5132, Feb. 10, 1984, Paragraphs (i) and (n) were suspended until further notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:474

(March 2002), repromulgated LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§6109. National Pretreatment Standards: Prohibited Discharges

A.1. – C.3. ...

4. POTWs may develop best management practices (BMPs) to implement Paragraphs C.1 and 2 of this Section. Such BMPs shall be considered local limits and pretreatment standards for the purposes of Section 307(d) of the CWA.

D. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2232 (December 2001), repromulgated LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§6111. National Pretreatment Standards: Categorical Standards

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate Subpart of 40 CFR Chapter I, Subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this Chapter.

A. – C.4. ...

5. When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the control authority.

a. The control authority may establish equivalent mass limits only if the industrial user meets all the following conditions. To be eligible for equivalent mass limits, an industrial user must:

i. employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

ii. currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

iii. provide sufficient information to establish the

facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

iv. _____ not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

v. _____ have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

b. _____ An industrial user subject to equivalent mass limits must:

i. _____ maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

ii. _____ continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

iii. _____ continue to record the facility's production rates and notify the control authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Clause C.5.a.iii of this Section. Upon notification of a revised production rate, the control authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

iv. _____ continue to employ the same or comparable water conservation methods and technologies as those implemented in accordance with Clause C.5.a.i of this Section so long as it discharges under an equivalent mass limit.

c. _____ A control authority that chooses to establish equivalent mass limits:

i. _____ must calculate the mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

ii. _____ upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

iii. _____ may retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate is reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit are not based on the use of dilution as a substitute for treatment, in accordance with Subsection D of this Section. The industrial user must also be in compliance with LAC 33:IX.6133 (regarding the prohibition of bypass).

d. _____ The control authority may not express limits in terms of

mass for pollutants such as pH, temperature, radiation, or other pollutants that cannot appropriately be expressed as mass.

6. The control authority may convert the mass limits of the categorical pretreatment standards at 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions. When converting such limits to concentration limits, the control authority must use the concentrations listed in the applicable Subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Subsection D of this Section.

57. Equivalent limitations calculated in accordance with Paragraphs C.3, and 4, 5, and 6 of this Section shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act CWA and this Chapter. The control authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the industrial user must
~~Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.~~

68. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations the average and the maximum equivalent limitations.

79. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the control authority within two business days after the user has a reasonable basis to know that the production level will significantly change with the next calendar month. Any user not notifying the control authority of such an anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

D. Dilution Prohibited as Substitute for Treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The *control authority* (as defined in LAC 33:IX.610523.A) may impose mass limitations on industrial users ~~which~~ that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

E. Combined Wastestream Formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority, ~~as defined in LAC 33:IX.6123.A,~~ or by the industrial user with the written concurrence of the control authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in ~~LAC 33:IX.6111~~ the appropriate categorical pretreatment standard(s) and an alternative

consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

1. – 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§6113. Removal Credits

A. Introduction

1. Definitions. For the purpose of this Section:

Overflow—the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant.

* * *

A.2. – G. ...

H. Compensation for Overflow. ~~Overflow—the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant, POTWs which~~ that at least once annually overflow untreated wastewater to receiving waters may claim consistent removal of a pollutant only by complying with either ~~LAC 33:IX.6113.Paragraph H.1 or 2 of this Section.~~ However, this Subsection shall not apply where industrial user(s) can demonstrate that overflow does not occur between the industrial user(s) and the POTW treatment plant.

1. – 1.c. ...

2.a. The consistent removal claimed is reduced pursuant to the following equation:

$$r_c = r_m \frac{8760 - z}{8760}$$

where:

r_m = POTW's consistent removal rate for that pollutant as established under LAC 33:IX.6113.A.1 and B.2;

r_c = removal corrected by the overflow factor;

Z = hours per year that overflow occurred between the industrial user(s) and the POTW treatment plant, the hours either to be shown in the POTW's current LPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plant; and.

b. ~~after July 1, 1983, consistent removal may be claimed only where efforts to correct the conditions resulting in untreated discharges by the POTW are underway in accordance with the policy and procedures set forth in "PRM 75-34" or "Program Guidance Memorandum 61" (same document) published on December 16, 1975, by EPA Office of Water Program Operations (WH-546). (See 40 CFR Part 403, Appendix A.) Revisions to discharge limits in categorical pretreatment standards may not be made where efforts have not been committed to by the POTW to minimize pollution from overflows. At minimum, by July 1, 1983, the POTW must have completed the analysis required by PRM 75-34 and be making an effort to implement the plan; The POTW is complying with all NPDES permit requirements and any additional requirements in any order or decree issued in accordance with the CWA affecting combined sewer outflows. These requirements include, but are not limited to, any combined sewer overflow requirements that conform to the combined sewer overflow control policy.~~

c. ~~if, by July 1, 1983, a POTW has begun the PRM 75-34 analysis but due to circumstances beyond its control has not completed it, consistent removal, subject to the approval of the approval authority, may be claimed according to the formula in LAC 33:IX.6113.H.2.a as long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the non-structural cost-effective measures identified by the analysis; and so long as the POTW has expressed its willingness to apply, after completing the analysis, for a construction grant necessary to implement any other cost-effective overflow controls identified in the analysis should federal funds become available, so applies for such funds, and proceeds with the required construction in an expeditious manner. In addition, consistent removal may, subject to the approval of the approval authority, continue to be claimed according to the formula in LAC 33:IX.6113.H.2.a where the POTW has completed and the approval authority has accepted the analysis required by PRM 75-34 and the POTW has requested inclusion in its permit of an acceptable compliance schedule providing for timely implementation of cost-effective measures identified in the analysis. (In considering what is timely implementation, the approval authority shall consider the availability of funds, cost of control measures, and seriousness of the water quality problem.)~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of

the Secretary, Legal Affairs Division, LR 31:2514 (October 2005), amended LR 32:**.

§6115. Pretreatment Program Requirements: Development and Implementation by POTW

A. – F.1.b. ...

c. control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under LAC 33:IX.6105.A, *Significant Industrial User*, this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such user except that:

i. at the discretion of the POTW, this control may include use of general control mechanisms if all of the facilities to be covered:

(a). involve the same or substantially similar types of operations;

(b). discharge the same types of wastes;

(c). require the same effluent limitations;

(d). require the same or similar monitoring; and

(e). in the opinion of the POTW, are more appropriately controlled under general control mechanisms than under individual control mechanisms;

ii. to be covered by the general control mechanism, the significant industrial user must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general control mechanism, any requests in accordance with LAC 33:IX.6123.E.2 for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general control mechanism until after the POTW has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with LAC 33:IX.6123.E.2. The POTW must retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria in Clause F.1.c.i of this Section, and a copy of the user's written request for coverage for three years after the expiration of the general control mechanism. A POTW may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations (LAC 33:IX.6111.E and 6129).

d. ~~Such~~ employ individual or general control mechanisms must be that are enforceable and contain, at a minimum, the following conditions:

i. a statement of duration (in no case more than five years);

ii. a statement of non-transferability without, at a

minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

iii. effluent limits, including best management practices, based on applicable general pretreatment standards in this Chapter, categorical pretreatment standards, local limits, and state and local law;

iv. self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with LAC 33:IX.6123.E.2, or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in this Chapter, categorical pretreatment standards, local limits, and state and local law;

v. a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable deadlines;

~~de.~~ impose the following requirements to control slug discharges, if determined by the POTW to be necessary:

i. the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and

ii. the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including but not limited to the reports required in LAC 33:IX.6123;

~~ef.~~ carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under LAC 33:IX.6123.~~MO~~ to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the ~~Aet~~CWA;

~~fg.i.~~ obtain remedies for noncompliance by any industrial user with any pretreatment standard ~~and/or~~ requirement.;

i. All POTWs shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and/or requirements;

ii. pretreatment requirements ~~which that will~~can be

enforced through the remedies set forth in Clause F.1.fg.i of this Section, ~~will include, but are not be~~ limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in ~~individual~~ control mechanisms issued by the POTW; ~~or~~ and any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW ~~which that~~ reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW ~~which that~~ presents or may present an endangerment to the environment or ~~which that~~ threatens to interfere with the operation of the POTW. The approval authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty ~~which that~~ the approval authority believes to be insufficient. The procedures for notice to dischargers where the POTW is seeking ex parte temporary judicial injunctive relief ~~will are to~~ be governed by applicable state or federal law, and not by this provision; and

gh. comply with the confidentiality requirements set forth in LAC 33:IX.6127.

2. – 2.d. ...

e. randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards; ~~and~~ inspect and sample the effluent from each significant industrial user at least once a year, except as otherwise specified below:

i. where the POTW has authorized the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard in accordance with LAC 33:IX.6123.E.3, the POTW shall sample for the waived pollutant at least once during the term of the categorical industrial user's control mechanism. In the event that the POTW subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the user's operations, the POTW shall immediately begin at least annual effluent inspection and monitoring of the user's discharge and inspection;

ii. where the POTW has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the POTW must evaluate, at least once per year, whether an industrial user continues to meet the criteria in LAC 33:IX.6105;

iii. in the case of industrial users subject to reduced reporting requirements under LAC 33:IX.6123.E.3, the POTW shall randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in LAC 33:IX.6123.E.3, the POTW must immediately begin sampling and inspecting the industrial user at least once a year;

f. ~~E~~evaluate, at least once every two years, whether each such significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional significant industrial users must be evaluated within one year of being designated a significant industrial user. For purposes of this Subsection, a *slug discharge* is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge that has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits, or permit conditions. The results of such activities shall be available to the approval authority upon request. Significant industrial users are required to notify the POTW immediately of any changes at their facilities affecting potential for slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- i. a description of discharge practices, including nonroutine batch discharges;
- ii. a description of stored chemicals;
- iii. procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under LAC 33:IX.6109.B, with procedures for follow-up written notification within five days;
- iv. if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

fg. investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under LAC 33:IX.6123, or indicated by analysis, inspection, and surveillance activities described in Subparagraph F.2.e of this Section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

gh. comply with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in the largest daily newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW published in the municipality in which the POTW is located, of industrial users which that, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an significant industrial user (or any industrial user that violates Clause F.2.h.iii, iv, or v of this Section) is in significant noncompliance if its violation meets one or more of the following criteria:

- i. chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken

during a six-month period exceed (by any magnitude) ~~the daily maximum limit or the average limit for the same pollutant parameter~~ a numeric pretreatment standard or requirement, including instantaneous limits, as defined by LAC 33:IX.6105.A.National Pretreatment Standard, Pretreatment Standard, or Standard;

ii. technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for each pollutant parameter taken during a six-month period equal or exceed the product of the ~~daily maximum limit or the average limit~~ numeric pretreatment standard or requirement including instantaneous limits, as defined by LAC 33:IX.6105.A.National Pretreatment Standard, Pretreatment Standard, or Standard, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

iii. any other violation of a pretreatment ~~effluent limit (daily maximum or longer term average)~~ standard or requirement as defined by LAC 33:IX.6105.A.National Pretreatment Standard, Pretreatment Standard, or Standard (daily maximum, long-term average, instantaneous limit, or narrative standard) that the ~~control authority~~ POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

iv. any discharge of a pollutant that has caused imminent endangerment to human health, ~~or~~ welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Clause F.1.fg.ii of this Section to halt or prevent such a discharge;

v. failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

vi. failure to provide, within ~~30~~45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

vii. failure to accurately report noncompliance;

viii. any other violation or group of violations, which ~~that~~ the ~~control authority~~ POTW determines will adversely affect the operation or implementation of the local pretreatment program.

3. – 5.c. ...

d. adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in ~~LAC 33:IX.6115.Paragraphs F.1 and 2 of this Section.~~

6. The POTW shall prepare and maintain a list of its industrial users meeting the criteria in LAC 33:IX.6105.A.Significant Industrial User.a. The list shall identify the criteria in LAC 33:IX.6105.A.Significant Industrial User.a applicable to each industrial user and, ~~for industrial users meeting the criteria in LAC~~

~~33:IX.6105. Significant Industrial User.~~ a.ii where applicable, shall also indicate whether the POTW has made a determination in accordance with LAC 33:IX.6105.A. Significant Industrial User. ~~b.c~~ that such industrial user should not be considered a significant industrial user. The initial list shall be submitted to the approval authority in accordance with LAC 33:IX.6117 as a nonsubstantial program modification in accordance with LAC 33:IX.6135.D. Modifications to the list shall be submitted to the approval authority in accordance with LAC 33:IX.6123.I.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), LR 25:1092 (June 1999), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§6123. Reporting Requirements for POTWs and Industrial Users

A. ~~Reserved.~~ Definition. ~~The term *control authority* as it is used in this Section refers to:~~

1. ~~Repealed. the POTW if the POTW's submission for its pretreatment program (LAC 33:IX.6105.T.1) has been approved in accordance with the requirements of LAC 33:IX.6121; or~~

2. ~~Repealed. the approval authority if the submission has not been approved.~~

B. – B.4.a.i. ...

ii. other streams as necessary to allow use of the combined wastestream formula of LAC 33:IX.6111.E. (see Subparagraph B.5.e~~d~~ of this Section).

4.b. – 5.a. ...

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.

c. ~~— A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through~~

~~time proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.~~

~~dc.~~ The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Paragraph.

~~ed.~~ Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of LAC 33:IX.6111.E₂ in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with LAC 33:IX.6111.E₂, this adjusted limit along with supporting data shall be submitted to the control authority.

~~fe.~~ Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 (see LAC 33:IX.4901) and amendments thereto. Where 40 CFR Part 136 (see LAC 33:IX.4901) does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR Part 136 (see LAC 33:IX.4901) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

~~gf.~~ The control authority may allow the submission of a baseline report ~~which that~~ utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

~~hg.~~ The baseline report shall indicate the time, date, and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Subsection ~~KL~~ of this Section) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis; and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; ~~and.~~

B.7. – D. ...

E. Periodic Reports on Continued Compliance

1. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard; or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent ~~which that~~ are limited by such categorical pretreatment standards. In addition, this report shall include a record

of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Paragraph B.4 of this Section except that the control authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a best management practice (or pollution prevention alternative), the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

2. The control authority may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by the categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions.

a. The control authority may authorize a waiver where the pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

b. The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

c. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with Subsection L of this Section, and include the certification statement in LAC 33:IX.6111.A.2.b. Non-detectable sample results may be only used as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

d. Any grant of the monitoring waiver by the control authority must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three years after expiration of the waiver.

e. Upon approval of the monitoring waiver and the revision of the user's control mechanism by the control authority, the industrial user must certify on each report, with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national

pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since the filing of the last periodic report under LAC 33:IX.6123.E.1.”

f. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the user’s operations, the user must immediately comply with the monitoring requirements of Paragraph E.1 of this Section, or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.

g. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

3. The control authority may reduce the requirement in Paragraph E.1 of this Section to a requirement to report no less than once a year, unless required more frequently in the pretreatment standard or by the approval authority.

a. The industrial user must meet all of the following conditions:

i. the industrial user’s total categorical wastewater flow does not exceed any of the following:

(a). 0.01 percent of the design dry weather hydraulic capacity of the POTW or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

(b). 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

(c). 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by a POTW in accordance with LAC 33:IX.6109.C and Subsection D of this Section;

ii. the industrial user has not been in significant noncompliance, as defined in LAC 33:IX.6115.F.2.h, for any time in the past two years;

iii. the industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period in accordance with Paragraph G.3 of this Section.

b. An industrial user must notify the control authority immediately of any changes at its facility causing it to no longer meet the conditions of Clause E.3.a.i or ii of this Section. Upon notification, the industrial user must immediately begin complying with the minimum reporting requirements in Paragraph E.1 of this Section.

c. The control authority must retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under this Paragraph for a period of three years after the expiration of the term of the control mechanism.

24. Where the control authority has imposed mass limitations on industrial users as provided for by LAC 33:IX.6111.D, the report required by Paragraph E.1 of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

35. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in LAC 33:IX.6111.C, the report required by Paragraph E.1 of this Section shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Paragraph E.1 of this Section shall include the user's actual average production rate for the reporting period.

F. ...

G. Monitoring and Analysis to Demonstrate Continued Compliance

1. Except in the case of non-significant categorical users, the reports required in Subsections B, D, and E of this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which that are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial use. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under LAC 33:IX.6123-Paragraph B.6 and LAC 33:IX.6123-Subsection D of this Section. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

2. If sampling performed by an industrial user indicates a violation, the user shall notify the Office of Environmental Services, Water and Waste Permits Division, within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, ~~except the industrial user is not required to resample if~~ Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

a. the control authority performs sampling at the industrial user at a frequency of at least once per month; or

b. the control authority performs sampling at the user between the time when the user performs its initial sampling ~~initial sampling was conducted~~ and the time when the user or the control authority receives the results of this sampling.

3. The reports required in Subsections B, D, E, and H of this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data ~~is~~are representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate.

4. For sampling required in support of baseline monitoring and 90-day compliance reports required in Subsections B and D of this Section, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by Subsections E and H of this Section, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

45. All analyses shall be performed in accordance with procedures established by the administrator pursuant to Section 304(h) of the CWA and contained in 40 CFR Part 136 (see LAC 33:IX.4901) and amendments thereto or with any other test procedures approved by the administrator (see 40 CFR Parts 136.4 and 136.5). Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR Part 136 (see LAC 33:IX.4901) does not include sampling or analytical techniques for the pollutants in question, or where the ~~A~~administrator determines that the 40 CFR Part 136 (see LAC 33:IX.4901) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

56. If an industrial user subject to the reporting requirement in Subsection E of this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, using the procedures prescribed in Paragraph G.45 of this Section, the results of this monitoring shall be

included in the report.

H. Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards. The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users shall submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the control authority to determine the compliance status of the user. These reports shall be based on sampling and analysis performed in the period covered by the report, and ~~performed~~ in accordance with the techniques described in 40 CFR Part 136 (see LAC 33:IX.4901) and amendments thereto. ~~Where 40 CFR Part 136 (see LAC 33:IX.4901) does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR Part 136 (see LAC 33:IX.4901) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the administrator. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.~~

I. Annual POTW Reports. POTWs with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section shall be submitted no later than one year after approval of the POTW's pretreatment program, and at least annually thereafter, and shall include, at a minimum, the following:

1. an updated list of the POTW's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirement. The list must also identify industrial users subject to categorical pretreatment standards that are subject to reduced reporting requirements under Paragraph E.3 of this Section, and identify which industrial users are non-significant categorical industrial users;

2. – 5. ...

J. Notification of Changed Discharge. All industrial users shall promptly notify the ~~POTW~~ control authority (and the POTW if the POTW is not the control authority) in advance of any substantial change in the volume or character of pollutants in

their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under ~~LAC 33:IX.6123~~Subsection P of this Section.

K. Compliance Schedule for POTWs. The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program required by LAC 33:IX.6115.

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment).

2. No increment referred to in Paragraph ~~HK~~.1 of this Section shall exceed nine months.

K.3. – L.1.a. ...

b. ~~the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions are taken to gather complete and accurate information for control mechanism requirements; and has been assigned or delegated authority to sign documents~~ has been assigned or delegated to the manager in accordance with corporate procedures;

2. – 4. ...

M. Signatory Requirements for POTW Reports. Reports submitted to the approval authority by the POTW in accordance with Subsection ~~HI~~ of this Section must be signed by a principal executive officer, ranking elected official, or other duly authorized employee ~~if such employee is responsible for overall operation of the POTW. The duly authorized employee must be an individual or position having responsibility for the overall operation of the facility or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the approval authority prior to or together with the report being submitted.~~

N. – N.3. ...

O. Recordkeeping Requirements

1. Any industrial user and POTW subject to the reporting requirements established in this Section shall maintain records of all information resulting from any monitoring activities required by this Section, including documentation associated with best management practices. Such records shall include for all samples:

a. – e. ...

2. Any industrial user or POTW subject to the reporting requirements established in this Section, including requirements for documentation associated with best management practices, shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the state administrative authority and the EPA regional administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the state administrative authority or the EPA regional administrator.

O.3. – P.4. ...

Q. Annual Certification by Non-significant Categorical Industrial Users. A facility determined to be a non-significant categorical industrial user in accordance with LAC 33:IX.6105 must annually submit the following certification statement, signed in accordance with the signatory requirements in this Section. This certification must accompany an alternative report required by the control authority.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards in 40 CFR [specify applicable national pretreatment standard part(s)], I certify, to the best of my knowledge and belief, that during the period from [month, day, year] to [month, day, year]:

1. the facility described as [insert facility name] was a non-significant categorical industrial user as described in LAC 33:IX.6105;

2. the facility complied with all applicable pretreatment standards and requirements during this reporting period; and

3. the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information.

[Insert narrative description.]”

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2514 (October 2005), amended LR 32:**.

§6129. Net/Gross Calculation

~~Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this Section.~~

A. Application. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this Section. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority. Upon request of the industrial user, the applicable

standard will be calculated on a "net" basis, (i.e., adjusted to reflect credit for pollutants in the intake water), if the requirements of Subsections B ~~and C~~ of this Section are met.

B. Criteria

1. Calculations shall be done on a net basis if:

a. the applicable categorical pretreatment standards contained in 40 CFR Subchapter N specifically provide that the standards shall be applied on a net basis; or

b. The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

2. – 4. ...

C. ~~Repealed. The applicable categorical pretreatment standards contained in 40 CFR Subchapter N (see LAC 33:IX.4903) specifically provide that they shall be applied on a net basis.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Chapter 71. Appendices

§7127. Appendix N—Pollutants Eligible for a Removal Credit

I. Regulated Pollutants in 40 CFR Part 503 Eligible for a Removal Credit

Pollutants	Use or Disposal Practice		
	LA	SD	I
* * *			
[See Prior Text]			

Key:

LA – I ...

¹The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons or carbon monoxide in sSubpart E in 40 CFR Part 503 are met when sewage sludge is fired in a sewage sludge incinerator:

Acrylonitrile;
Aldrin/Dieldrin (total);
Benzene;
Benzidine;
Benzo(a)pyrene;
Bis(2-chloroethyl)ether;
Bis(2-ethylhexyl)phthalate;
Bromodichloromethane;
Bromoethane;
Bromoform;
Carbon tetrachloride;
Chlordane;
Chloroform;
Chloromethane;
DDD;
DDE;
DDT;
Dibromochloromethane;
Dibutyl phthalate;
1,2-dichloroethane;
1,1-dichloroethylene;
2,4-dichlorophenol
1,3-dichloropropene;
Diethyl phthalate;
2,4-dinitrophenol;
1,2-diphenylhydrazine;
Di-n-butyl phthalate;
Endosulfan;
Endrin;

Ethylbenzene;
Heptachlor;
Heptachlor epoxide;
Hexachlorobutadiene;
Alpha-hexachlorocyclohexane;
Beta-hexachlorocyclohexane;
Hexachlorocyclopentadiene;
Hexachloroethane;
Hydrogen cyanide;
Isophorone;
Lindane;
Methylene chloride;
Nitrobenzene;
N-Nitrosodimethylamine;
N-Nitrosodi-n-propylamine;
Pentachlorophenol;
Phenol;
Polychlorinated biphenyls;
2,3,7,8-tetrachlorodibenzo-p-dioxin;
1,1,2,2,-tetrachloroethane;
Tetrachloroethylene;
Toluene;
Toxaphene;
Trichloroethylene;
1,2,4-Trichlorobenzene;
1,1,1-Trichloroethane;
1,1,2-Trichloroethane, and
2,4,6-Trichlorophenol.

II. – Footnote 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997), LR 23:959 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2765 (December 2000), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.